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Transportation

Legislation Review

Committee

Report to the
COLORADO
GENERAL ASSEMBLY

Colorado Legislative Council
Research Publication No. 530
November 2004

RECOMMENDATIONS FOR 2005

**TRANSPORTATION LEGISLATION
REVIEW COMMITTEE**

**Report to the Governor and the
Colorado General Assembly**

**Research Publication No. 530
December 2004**

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November 2004

To the Governor and the Members of the Sixty-fifth General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, Colorado Revised Statutes. The purpose of the committee is to give guidance and direction to the state Department of Transportation in the development of the state transportation system, and to provide legislative overview of and input into such development.

At its meeting on October 15, 2004, the Legislative Council reviewed the report of this committee. Motions to forward this report and the bills herein for consideration in the 2005 session were approved.

Respectfully submitted,

/s/ Representative Lola Spradley
Chairman

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TRANSPORTATION LEGISLATION REVIEW COMMITTEE

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EXECUTIVE SUMMARY

Committee Charge

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to the Colorado Department of Transportation in the development of the state transportation system and to provide legislative overview of such development. The committee is directed to review any phase of operations for the department, including planning and construction of highway projects. The committee is also authorized to review any phase of operations for any public highway authority (e.g., E-470 Public Highway Authority) along with any rural transportation authority responsible for the development of rural transportation systems. In addition, the legislative committee provides guidance to the Regional Transportation District and reviews its budget, farebox recovery ratio, and the privatization of bus service.

Committee Activities

The TLRC held five meetings addressing a variety of transportation-related matters in 2004. At these meetings the committee heard testimony from representatives of 16 organizations, including the Colorado Departments of Revenue, Transportation, and Public Health and Environment, the Colorado State Patrol and the Colorado Motor Carriers Association.

The committee reviewed information in five major transportation subject areas: air quality and mass transit, transportation infrastructure, motor vehicle regulation and licensure, public safety, and transportation finance. The most frequently discussed topics pertained to transportation funding and infrastructure, the reauthorization of the federal Surface Transportation Act, transportation revenue anticipation notes, ozone standards, and public safety as it relates to motorists and homeland security.

Committee Recommendations

As a result of committee discussion and deliberation, the committee recommended five bills to the Legislative Council. A bill relating to the issuance of drivers licenses was not approved for introduction by the Legislative Council. The bills approved by the Legislative Council are summarized below.

Bill A — Limitations on Minor Drivers Carrying Minor Passengers. Bill A prohibits a minor driver from driving a vehicle with a passenger under 21 years of age until the minor driver has held a driver's license for at least six months. The bill makes a number of exceptions to this prohibition. Minor drivers who have held licenses for less than a year

are prohibited from carrying more than one passenger under 21 and are prohibited from driving between 12 midnight and 5 a.m. The bill also makes a number of exceptions to these prohibitions. Minor drivers who violate the provisions of the bill are subject to fines, license suspension points, extension of driving restrictions and community service.

Bill B — Breast Cancer Awareness License Plate. Bill B creates the Breast Cancer Awareness special license plate and assesses purchasers of the plate a one-time fee of \$25 in addition to normal registration fees and a fee to cover the direct costs of producing and issuing each set of plates.

Bill C — Good Samaritan Law for Employers of Commercial Motor Vehicle Drivers. Bill C exempts employers of drivers of commercial motor vehicles from civil liability for acts or omissions of the driver while the driver is rendering emergency assistance to a motorist.

Bill D — Increase in the Fine for Human Waste Dumping. Bill D addresses the dumping of cans, bottles or diapers containing human waste by increasing the amount of the fine for dumping human waste on a state highway from \$35 to \$500.

STATUTORY AUTHORITY AND RESPONSIBILITIES

The Transportation Legislation Review Committee (TLRC) is comprised of the members of the House Transportation and Energy and the Senate Transportation Committees. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation, rural transportation authorities, public highway authorities and the Regional Transportation District. In addition, the TLRC has traditionally monitored the activities of the Department of Revenue relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

Colorado Department of Transportation. Section 43-2-145 (1), C.R.S., requires the TLRC to give guidance and direction to Colorado Department of Transportation (CDOT) in the development of the state transportation system, to provide legislative overview of and input into such development, and to make recommendations concerning the financing of the state transportation system. The TLRC may review any phase of CDOT operations, including the planning and construction of highway projects. The TLRC may also review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner. The committee may require CDOT to conduct long-term planning efforts for the state transportation system and may require financial and performance audits to be conducted. The TLRC is required to study annual recommendations of the Executive Director of CDOT regarding the acquisition of any abandoned railroad rights-of-way in the state. The TLRC may recommend legislation to the General Assembly and to the Governor resulting from these oversight responsibilities. CDOT is required to cooperate with the TLRC in carrying out its duties.

Rural transportation authorities. The TLRC is granted the authority to review the operations of rural transportation authorities in Colorado, including the planning and construction of rural transportation systems (43-2-145 (1.9), C.R.S.). The TLRC may review authority projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by rural transportation authorities as well as financial and performance audits.

Public highway authorities. The TLRC is granted authority to review any phase of operations of public highway authorities in the state, including the planning and construction of public highway projects by these authorities (43-2-145 (1.5), C.R.S.). The TLRC may review projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require public highway authorities to develop long-range plans and may require financial or performance audits of these entities.

Regional Transportation District. The Regional Transportation District (RTD) is required to contract at least 50 percent of its transportation services to private businesses through competitive bidding. RTD must ensure that these companies meet certain standards

relating to experience, safety records, and financial responsibility. The TLRC is required to monitor RTD's implementation of this statutory requirement and recommend any necessary changes to the General Assembly (32-9-119.5 (8) (a), C.R.S.).

RTD is also required to ensure that at least 30 percent of its operating costs are funded by farebox revenues, and must prepare its annual budget based on this percentage (32-9-119.7 (3), C.R.S.). In this regard, RTD is required to submit to the TLRC any information, data, testimony, or audits that the committee may request.

COMMITTEE ACTIVITIES

During the 2004 interim, the TLRC held five meetings and met with representatives of 16 agencies and organizations interested in the development and operation of Colorado's transportation systems. Some of the major topics addressed by the committee this interim are summarized below.

Motor Vehicle Regulation and Licensure

Regarding motor vehicle regulation and licensure, the committee heard testimony from the Department of Revenue on the issues of graduated driver's licenses, special license plates, driving education programs available to minors, and where the public can locate information on these issues. For several years, the committee has reviewed information from both the Colorado State Patrol and National Insurance Institute concerning an increase in teen driving accidents and deaths. As a result, legislation was enacted during the 2004 legislative session that put in place an incentive for increased driver education for teenagers. The DOR helped to implement graduated driver's license educational requirements by approving two driver education courses, the Defensive Driving Course 4 (DDC4) developed by the National Safety Council and the Colorado State Patrol's Alive at 25 Program.

Traffic fatalities in vehicles operated by minors. State and local law enforcement testified regarding fatalities of teenage occupants of vehicles operated by minors. Committee members discussed recommendations to address the problem, including restrictions on numbers of passengers in motor vehicles operated by young drivers, the addition of driving programs to school curricula, and a proposal to require parents of minors to bear responsibility for citations issued to minors. Committee deliberation resulted in the recommendation of Bill A, which further restricts the numbers of passengers in motor vehicles operated by minors and the allowable hours of operation of vehicles operated by minors.

Special license plates. The committee reviewed recent revisions to the process of creating special license plates. Since July 2002, special license plates may be created only by legislation. An administrative process for the creation of special plates through DOR has been eliminated. The authority of the DOR to set the levels of taxes and fees on special plates was also repealed. As of July 1, 2007, the production of certain special license plates for which fewer than 3,000 plates remain in circulation will end. Special plates subject to termination include any special license plate previously created by departmental rule, and special plates issued for the United States Marine Corps, alumni associations, the U.S. Olympic Committee, and active and retired members of the Colorado National Guard. Revenues derived from special license plates are credited to the Highway Users Tax Fund.

Recommendation. The committee recommends Bill B, which creates an additional special license plate, the Breast Cancer Awareness special license plate. Purchasers of the plate will pay a one-time fee of \$25 in addition to normal registration fees. This plate may generate additional fee revenue to the HUTF for transportation construction and to the License Plate Cash Fund in fiscal year 2005-06.

Civil liability of employers of commercial motor vehicle operators. Colorado currently has a "Good Samaritan" law which prevents a party from being sued if that individual, in good faith, renders assistance in an emergency situation. The Colorado Motor Carriers Association expressed concern about a situation that is perceived as a "loophole" in the law. The Association cited two incidents in which vehicles collided with parked trucks while the truck driver rendered assistance to a motorist. This type of accident may subject the truck driver's employer to a lawsuit. According to the Association, failure to render assistance is a violation of Colorado law, while providing such help can potentially result in the filing of lawsuits against trucking companies.

Recommendation. The committee recommends Bill C to protect trucking companies from liability when their employees act in good faith to assist a motorist. The bill specifically exempts these employers from civil liability for acts or omissions of their employee while the employee is rendering emergency assistance.

Transportation Infrastructure

The committee was informed by CDOT that the southeast Interstate-25 corridor, or T-REX, is within budget and on schedule. The highway component of T-REX is expected to be completed in September 2006, and the light rail-transit component will be completed at the end of 2006. CDOT also presented background information on its major projects, 25 current corridor studies, and recent accomplishments. The department has been discussing possible rail infrastructure relocation and freight line consolidation with the Burlington-Northern and Santa Fe Railway Company, the Union Pacific Railroad, and RTD. The focus has been on long-term plans to ease congestion in the Denver area while improving passenger and freight mobility along the front range. An update was also provided on the status and future plans for the potential build-out of a 6,000-acre multi-modal transportation facility, "TransPort," near Front Range Airport. Also, the committee heard testimony from industries regarding road construction materials and developing technologies related to these materials.

Transportation Finance

Transportation Equity Act of the 21st Century (TEA-21) reauthorization. CDOT testified on the future prospects for federal transportation funding, noting that the federal Surface Transportation Act reauthorization is currently stalled in Congress. The U.S. House and Senate are developing a resolution that would extend funding until the new

surface transportation bill is enacted. TEA-21 has been extended five times since September 30, 2003, when it was scheduled to expire. The proposed reauthorization, known as the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA), stresses transportation safety and may more than double highway safety funding. The Senate is currently proposing a \$318 billion, six-year renewal bill, while the House is seeking a \$299 billion renewal package for six years.

Transportation Revenue Anticipation Notes. The committee received an update from CDOT on the issuance of Transportation Revenue Anticipation Notes (TRANS) and the potential for using toll revenues to meet transportation financing needs. The department's final TRANS bond issuance of \$134.6 million was completed in May 2004. Also in May, CDOT refinanced \$280.2 million in notes to realize greater savings. Finally, the department reviewed recommendations regarding transportation finance in Colorado made by the 2004 Governor's Task Force on Transportation Finance.

Air Quality/Mass Transit

Air quality. The Colorado Department of Public Health and Environment (DPHE) testified on the state's air quality, Colorado State Implementation Plan (SIP) components, and the process by which the SIP is reviewed and approved by the Governor and General Assembly. In the past ten years, pollution levels in all major Colorado cities continued to decline. The DPHE stated that the Denver-metro area has been in compliance with nearly every health-based air quality standard in the past five years, making the Denver-metro area the first metro area in the nation to regain compliance with federal standards. However, federal ozone-testing has recently become more stringent, implementing an eight-hour ozone test period instead of the historical one-hour test period. As a result, Denver experienced an elevated ozone emission level in 2003. The department noted that a working group of several different agencies has been created to address ozone levels following the 2003 violation. The group will provide input on policy issues and the evaluation and selection of emission reduction measures.

Remote emissions sensing. The remote sensing aspect of the Automobile Inspection and Readjustment Program involves a remote sensing device that reads exhaust emission levels while a vehicle is moving. The program is the joint responsibility of the DPHE and the DOR. The DPHE is responsible for program design, establishing policies, approving remote sensing sites, the proper operation of remote sensing equipment, and certifying and training of personnel. The DPHE believes it has met its responsibilities for the program, but the DOR is still working on the computer software to put the program in place.

Mass transit. The Regional Transportation District (RTD) testified on mass transit in the Denver Metro Area. The committee received an update on RTD's 2004 amended budget, fares, contracted bus service, the transit portion of the T-REX, and the FasTracks plan. RTD had 47.6 percent of all bus services operated by private contractors as of May

2004. New contracts have been awarded that will reach the 50 percent state requirement by January 2005. The FasTracks Plan is a comprehensive plan to build and operate high speed rail lines and expand and improve suburb-to-suburb bus service and Park-n-Rides throughout the metropolitan area.

Public Safety

The Colorado State Patrol provided its Strategic Management Plan and 2002-2003 Annual Report to the committee. The four goals of the Strategic Management Plan are to improve traffic safety, reduce criminal activity, enhance homeland security, and provide communications. The Colorado State Patrol plans to attain these goals by: (1) recruiting and maintaining a high-caliber uniformed and civilian workforce; (2) merging new technologies into the patrol's work process to improve efficiencies and cost-effectiveness; and (3) integrating homeland security and criminal reduction capabilities into patrolling activities.

Dumping of human waste. Also on the subject of public safety, the Colorado Motor Carrier's Association and CDOT testified that the dumping of human waste along highways is a growing problem in Colorado. The two agencies noted that the practice affects the image of the state and poses a biological hazard for roadway beautification volunteers and highway maintenance crews. As a result of this testimony the committee recommends Bill D, which addresses the dumping of cans, bottles or diapers containing human waste by increasing the amount of the fine for dumping human waste on a state highway from \$35 to \$500.

SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, five bills were recommended to the Legislative Council. The Legislative Council approved four of the TLRC's recommended bills for introduction. The bills are designed to increase the safety of teenage drivers, create a new special license plate, increase the penalty for dumping human waste on highways, and prevent the filing of lawsuits against commercial motor vehicle companies when their employees assist stranded motorists. These four bills are described below. A bill that would have updated statutes relating to the issuance of driver's licenses was not approved by the Legislative Council for introduction.

Bill A — Concerning Limitations on the Driving Privileges of Newly Licensed Minor Drivers, and in Connection Therewith, Prohibiting Newly Licensed Minor Drivers from Driving During Certain Hours or Carrying Passengers Who Are Under Twenty-One Years of Age.

Bill A places further restrictions on Colorado drivers in the age group of 16 to 18 years. The restrictions to which a young driver is subject vary with the age at which a driver receives a license.

The bill prohibits a minor driver (a driver under 18 years old) from driving a vehicle with a passenger under 21 years of age until the minor driver has held a driver's license for at least six months. Minor drivers who have held licenses for less than a year are prohibited from carrying more than one passenger under 21. Colorado law currently contains some restrictions on carrying passengers in vehicles operated by young drivers. For example, drivers who are under 17 years old are prohibited from carrying more passengers than there are seat belts in the car, and may only have one passenger riding in the front seat.

A minor driver is exempted from the passenger limitations in Bill A if any of the following conditions are met:

- one passenger in the car is the minor's parent, guardian or other responsible adult;
- one passenger is a licensed driver over 25 years of age or a driving instructor;
- the passenger is in the vehicle as a result of a medical emergency;
- the passenger is the spouse of the driver; or
- the driver is the parent or guardian of the passenger.

Under Bill A, minor drivers who have held licenses for less than one year are prohibited from driving between 12 midnight and 5 a.m. This curfew currently applies only to drivers under 17 years of age in Colorado. Exceptions to this curfew in Bill A are allowed in the following situations: the driver's passengers include a parent, guardian or another responsible adult, a 25 year-old driver or driving instructor is in the car, the driving is for a medical emergency, employment, or a school-authorized activity, or the minor is emancipated. Bill A also imposes punishments for the violations of its provisions including community service, fines, extension of the bill's restrictions, and license suspension points. Fine revenues resulting from violations will be credited to the HUTF and to municipalities where violations occur. New state HUTF revenues for fiscal year 2005-06 are not expected to exceed \$5,000.

TABLE I - Restrictions on Minor Driver's Licenses

Age at which Driver is Licensed	Restrictions Currently in Colorado Law	Additional Restrictions in Bill A.
16 years - (The earliest age at which a person may receive a driver's license in Colorado, assuming completion of a driver's education course.)	Drivers under 17 years may not carry more passengers than there are seat belts, may carry only one passenger in the front seat, and may not drive between midnight and 5:00 a.m., with certain exceptions.	Drivers who have been licensed for less than six months may not drive with a passenger under 21 years of age in the car. A driver who has been licensed for six months to one year may carry one passenger under 21 of age. Drivers who have held a license for less than one year are subject to the driving curfew (midnight to 5:00 a.m.), certain exceptions are included.
17 years.	At 17 years of age passenger and hours of operation restrictions are lifted.	Drivers who have been licensed for less than six months may not drive with a passenger under 21 years of age. A minor driver who has been licensed for six months to one year may carry one passenger under 21 years of age. A minor driver who has been licensed for more than one year, is no longer subject to passenger restrictions. Drivers who have held a license for less than one year are subject to the driving curfew (midnight to 5:00 a.m.), certain exceptions are included.
18 years	No Restrictions.	No Restrictions.

Bill B — Concerning Creation of the Colorado Breast Cancer Awareness Special License Plate.

Bill B creates the Breast Cancer Awareness special license plate. The bill directs the DOR to participate with interested parties in designing the plate. Purchasers of the plate pay a one-time fee of \$25 in addition to normal registration fees. The one-time fee is credited to the HUTF. Under current law, applicants must also pay a fee of \$5.08 to cover the direct costs of producing and issuing each set of plates and \$0.28 in fees for month and year tabs. These fees are credited to the License Plate Cash Fund. Personalized Breast Cancer Awareness plates may also be issued. The bill is estimated to generate additional

fee revenue of \$150,000 to the HUTF and \$32,000 to the License Plate Cash Fund in Fiscal Year 2005-06. The Department of Revenue would incur costs of \$33,981 for producing plates and tabs and modifying the motor vehicle registration computer system to account for the new plate.

Bill C — Concerning an Extension of the Exemption from Civil Liability to the Employer of a Commercial Vehicle Operator Who Renders Good Faith Emergency Care of Emergency Assistance.

Bill C exempts employers of commercial motor vehicle operators from civil liability for acts or omissions of their employee while the employee is rendering emergency assistance. Bill C will not have a significant fiscal impact on the state or local governments as very few cases are expected to be brought under the bill. No new appropriations will be necessary to implement the bill.

Bill D — Concerning an Increase in the Amount of the Fine Imposed as Punishment for Illicit Disposal of Containers of Human Waste Upon or Along a State Highway.

Bill D amends Colorado's littering laws by putting in place a fixed fine for the dumping of human waste. Specifically, the bill addresses the dumping of cans, bottles or diapers containing human waste and would increase the amount of the fine for dumping human waste on a state highway from \$35 (plus a \$5.20 surcharge) to \$500. The bill is expected to generate less than \$5,000 annually in fine revenues. These revenues will be credited to the HUTF. No new appropriations will be necessary to implement the bill.

RESOURCE MATERIALS

The resource materials listed below were provided to the committee or developed by Legislative Council Staff during the course of the meetings. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver, (303) 866-2055. For a limited time, the meeting summaries and materials developed by Legislative Council Staff are available on our website at:

www.state.co.us/gov_dir/leg_dir/lcsstaff/2004/04interim.htm

Meeting Summaries	Topics Discussed
June 24, 2004	Colorado Motor Carriers Association; Colorado Pink Plate Initiative; Development of Front Range Airport area; tour of Department of Revenue facilities and Motor Vehicle Business Group.
July 8, 2004	Air quality issues in Colorado and remote sensing; Colorado State Patrol; Regional Transportation District; collaboration and cooperation among the Northwest Parkway Authority, E-470 and the Colorado Tolling Enterprise; Colorado Asphalt Pavement Association; American Concrete Paving Association; Colorado Ready Mixed Concrete Association and Colorado Rock Products.
August 25, 2004	Graduated driver licensing programs in other states; Colorado State Patrol budget and legislative report; suggestions for reducing teenage auto accident fatalities; implementation of HB 04-1017 - Graduated Driver's Licenses; Colorado State Titling and Registration System; vehicle licensing; Transportation Commission briefing on "2030 Plan"; road and bridge conditions in the state; federal legislation update; Governor's Transportation Finance Task Force; T-REX status.
August 26, 2004	Breathalyzer technology; training requirements for teenage drivers; restriction on number of passengers for minor drivers; Colorado State Patrol five-year budget; Colorado State Patrol monitoring of truck weight; legislative proposals to be drafted by the Office of Legislative Legal Services; TLRC members' legislative proposals.
September 23, 2004	Presentation/amendment/adoption of TLRC legislation.

Memoranda and Reports

2002-2004 Annual Report, Colorado State Patrol.

RTD Presentation to the TLRC, July 8, 2004, Regional Transportation District.

Transportation Legislative Review Committee, July 8, 2004, Northwest Parkway Authority, E-470, and the Colorado Tolling Enterprise.

Teen Occupant Fatalities in Colorado, Colorado State Patrol.

Graduated Driver's License (GDL) Laws, American Automobile Association Digest.

Colorado Driver Handbook, Electronic Renewal of Driver's Licenses, Colorado State Patrol.

Moving Colorado: Vision for the Future 2030 Statewide Plan, Statewide 2030 Transportation Plan, and TLRC Presentation, August 25, 2004, Colorado Department of Transportation.

Transportation Finance Task Force Report, March 2004, Report to Governor Owens.

Graduated Drivers Licensing in the United States, Fifteen to Twenty Year-old Deaths in the United States, and Safety Belt Use in 2003 - Use Rates in the States and Territories, Colorado State Patrol.

Bill A

HOUSE SPONSORSHIP

Briggs, Borodkin, Larson, May, McFadyen, Merrifield, Pommer, Spence, Stafford, Welker, and Williams

SENATE SPONSORSHIP

(Prime), and May

A BILL FOR AN ACT

CONCERNING LIMITATIONS ON THE DRIVING PRIVILEGES OF NEWLY LICENSED MINOR DRIVERS, AND, IN CONNECTION THEREWITH, PROHIBITING NEWLY LICENSED MINOR DRIVERS FROM DRIVING DURING CERTAIN HOURS OR CARRYING PASSENGERS WHO ARE UNDER TWENTY-ONE YEARS OF AGE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Prohibits a minor driver who has held a license less than 6 months from transporting a passenger who is under 21 years of age. Prohibits a minor driver who has held a license for less than one year from transporting more than one person under 21 years of age. Allows the following exceptions to this prohibition:

- If the motor vehicle also contains the minor's parent or legal guardian or other responsible adult;
- If the motor vehicle also contains a 25-year-old driver or a driving instructor;

- If the passenger is in the vehicle on account of a medical emergency;
- If the passenger is the spouse of the driver; or
- If the driver is the parent or legal guardian of the passenger.

Prohibits a minor driver who has held a license for less than one year from driving between 12 midnight and 5 a.m. Allows the following exceptions to this curfew:

- If the motor vehicle contains the minor's parent, legal guardian, other responsible adult;
- If the motor vehicle contains a 25-year-old driver or a driving instructor;
- If the driving is on account of a medical emergency;
- If the driving is on account of school or a school-authorized activity when the school does not provide adequate transportation;
- If the driving is on account of employment when necessary;
- If the minor is emancipated.

Imposes punishments for violating such prohibitions, including community service, fines, extension of the restrictions, and license suspension points.

Defines relevant terms.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 1 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-116. Restrictions for minor drivers - definitions.

(1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (1), A MINOR DRIVER SHALL NOT OPERATE A MOTOR VEHICLE CONTAINING A

PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE UNTIL SUCH DRIVER HAS HELD A VALID DRIVER'S LICENSE FOR AT LEAST SIX MONTHS.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (1), A MINOR DRIVER SHALL NOT OPERATE A MOTOR VEHICLE CONTAINING MORE THAN ONE PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE UNTIL SUCH DRIVER HAS HELD A VALID DRIVER'S LICENSE FOR AT LEAST ONE YEAR.

(c) PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1) SHALL NOT APPLY IF:

(I) THE MOTOR VEHICLE CONTAINS THE MINOR'S PARENT OR LEGAL GUARDIAN OR OTHER RESPONSIBLE ADULT DESCRIBED IN SECTION 42-2-108;

(II) THE MOTOR VEHICLE CONTAINS AN ADULT TWENTY-FIVE YEARS OF AGE OR OLDER WHO CURRENTLY HOLDS A VALID DRIVER'S LICENSE AND HAS HELD SUCH LICENSE FOR AT LEAST ONE YEAR;

(III) THE MOTOR VEHICLE CONTAINS A DRIVING INSTRUCTOR EMPLOYED BY AN APPROVED DRIVER EDUCATION COURSE;

(IV) THE PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE IS IN THE VEHICLE ON ACCOUNT OF A MEDICAL EMERGENCY;

(V) THE PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE IS THE SPOUSE OF THE MINOR DRIVER;

(VI) THE MINOR DRIVER IS THE PARENT OR LEGAL GUARDIAN OF THE PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE.

(2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), A MINOR DRIVER SHALL NOT OPERATE A MOTOR VEHICLE BETWEEN 12 MIDNIGHT AND 5 A.M. UNTIL SUCH DRIVER HAS HELD A DRIVER'S LICENSE FOR AT LEAST ONE YEAR.

(b) THIS SUBSECTION (2) SHALL NOT APPLY IF:

(I) THE MOTOR VEHICLE CONTAINS THE MINOR'S PARENT OR LEGAL GUARDIAN OR OTHER RESPONSIBLE ADULT DESCRIBED IN SECTION 42-2-108;

(II) THE MOTOR VEHICLE CONTAINS AN ADULT TWENTY-FIVE YEARS OF AGE OR OLDER WHO CURRENTLY HOLDS A VALID DRIVER'S LICENSE AND HAS HELD SUCH LICENSE FOR AT LEAST ONE YEAR;

(III) THE MOTOR VEHICLE CONTAINS A DRIVING INSTRUCTOR EMPLOYED BY AN APPROVED DRIVER EDUCATION COURSE;

(IV) THE MINOR IS DRIVING TO SCHOOL OR A SCHOOL-AUTHORIZED ACTIVITY WHEN THE SCHOOL DOES NOT PROVIDE ADEQUATE TRANSPORTATION, SO LONG AS THE DRIVER POSSESSES A SIGNED STATEMENT FROM THE SCHOOL OFFICIAL CONTAINING THE DATE THE ACTIVITY WILL OCCUR;

(V) THE MINOR IS DRIVING ON ACCOUNT OF EMPLOYMENT WHEN NECESSARY, SO LONG AS THE DRIVER POSSESSES A SIGNED STATEMENT FROM THE EMPLOYER VERIFYING EMPLOYMENT;

(VI) THE MINOR IS DRIVING ON ACCOUNT OF A MEDICAL EMERGENCY;
OR

(VII) THE MINOR IS AN EMANCIPATED MINOR.

(3) A VIOLATION OF THIS SECTION IS A TRAFFIC INFRACTION, AND, UPON CONVICTION, THE VIOLATOR MAY BE PUNISHED AS FOLLOWS:

(a) BY THE IMPOSITION OF NOT LESS THAN EIGHT HOURS NOR MORE THAN TWENTY-FOUR HOURS OF COMMUNITY SERVICE FOR A FIRST OFFENSE AND NOT LESS THAN SIXTEEN HOURS NOR MORE THAN FORTY HOURS OF COMMUNITY SERVICE FOR A SUBSEQUENT OFFENSE;

(b) BY THE LEVYING OF A FINE OF NOT MORE THAN FIFTY DOLLARS FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS FOR A SECOND OFFENSE, AND A FINE OF ONE HUNDRED FIFTY DOLLARS FOR A SUBSEQUENT OFFENSE;

(c) BY THE EXTENSION OF THE RESTRICTIONS IMPOSED BY SUBSECTIONS (1) AND (2) OF THIS SECTION FOR THIRTY DAYS FOR A FIRST OFFENSE AND SIXTY DAYS FOR A SUBSEQUENT OFFENSE;

(d) IN ACCORDANCE WITH SECTION 42-2-127 (5) (jj), BY AN ASSESSMENT OF THREE LICENSE SUSPENSION POINTS OR BY TWO LICENSE SUSPENSION POINTS IF THE VIOLATOR COMPLETES THE COMMUNITY SERVICE IMPOSED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3).

(4) FOR THE PURPOSES OF THIS SECTION:

(a) "EMANCIPATED MINOR" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE WHOSE PARENTS OR GUARDIAN HAS SURRENDERED PARENTAL RESPONSIBILITIES, CUSTODY, AND THE RIGHT TO THE CARE AND EARNINGS OF SUCH PERSON, AND ARE NO LONGER UNDER A DUTY TO SUPPORT SUCH PERSON.

(b) "MINOR DRIVER" MEANS A PERSON WHO IS OPERATING A MOTOR VEHICLE AND WHO IS UNDER EIGHTEEN YEARS OF AGE.

SECTION 2. 42-2-127 (5) (gg), Colorado Revised Statutes, is amended, and the said 42-2-127 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5) Point system schedule:

Type of conviction	Points
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(gg) Driving between the hours of 12 midnight and 5 a.m. in violation of section 42-2-105.5 (2)	2
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(jj) (I) DRIVING WITH A PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE OR DRIVING BETWEEN 12 MIDNIGHT AND 5 A.M. IN VIOLATION OF SECTION 42-4-116 3

(II) AFTER COMPLETING THE COMMUNITY SERVICE REQUIREMENTS IMPOSED BY SECTION 42-4-116 (3) (a), DRIVING WITH A PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE OR DRIVING BETWEEN 12 MIDNIGHT AND 5 A.M. IN VIOLATION OF SECTION 42-4-116 2

SECTION 3. 42-2-105.5 (2), Colorado Revised Statutes, is repealed as follows:

42-2-105.5. Restrictions on minor drivers under seventeen years of age - penalties - legislative declaration. (2) ~~(a) No person under seventeen years of age shall drive any motor vehicle between the hours of 12 midnight and 5 a.m. unless accompanied by a parent, guardian, or other responsible adult as referenced in section 42-2-108 or unless driving to the person's place of employment or from the person's place of employment to his or her residence. A person who is under seventeen years of age and who is driving to the person's place of employment or from the person's place of employment to his or her residence between the hours of 12 midnight and 5 a.m. shall have in his or her possession, in addition to a valid minor driver's license, a statement~~

~~signed by his or her employer or parent, guardian, or other responsible adult stating the time that such person arrives at and leaves his or her place of employment.~~

~~(b) A person under seventeen years of age may drive between the hours of 12 midnight and 5 a.m. in the case of a medical or other type of emergency.~~

~~(c) The curfew set forth in this subsection (2) is not applicable in a city, county, or city and county that has enacted its own curfew.~~

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to acts occurring on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill A

Colorado Legislative Council Staff
**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 05-0086

Date: November 8, 2004

Prime Sponsor(s): Rep. Briggs

Bill Status: Transportation Legislation Review
Committee

Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING LIMITATIONS ON THE DRIVING PRIVILEGES OF NEWLY LICENSED MINOR DRIVERS, AND, IN CONNECTION THEREWITH, PROHIBITING NEWLY LICENSED MINOR DRIVERS FROM DRIVING DURING CERTAIN HOURS OR CARRYING PASSENGERS WHO ARE UNDER TWENTY-ONE YEARS OF AGE.

Fiscal Impact Summary		FY 2005/2006	FY 2006/2007
State Revenues			
General Fund			
Cash Fund - HUTF		less than \$5,000	less than \$5,000
State Expenditures			
General Fund		See State Expenditure Section	
FTE Position Change		0.0 FTE	0.0 FTE
Other State Impact: Minimal TABOR Impact			
Effective Date: July 1, 2005			
Appropriation Summary for FY 2005/2006: See State Appropriations Section			
Local Government Impact: Minimal increase in HUTF allocations to counties and municipalities			

Summary of Legislation

Recommended by the Transportation Legislation Review Committee, this bill imposes new restrictions on minor drivers under the age of 18. It also creates some exceptions to the new rules.

The bill prohibits minor drivers under the age of 18 from carrying any passengers under the age of 21 for the first six months in which the driver holds a license. For the next six months, such drivers can carry no more than one passenger under age 21.

The bill prohibits a minor driver who has held a license for less than one year from driving between 12 midnight and 5 a.m. The bill establishes a new traffic infraction and imposes penalties for violations, including community service, fines, extended driving restrictions, and license suspension points.

State Revenues

The bill allows courts to impose fines on violators of up to \$50 for a first offense, up to \$100 for a second offense, and up to \$150 for a third or subsequent offense. All fine revenue resulting from violations occurring on the state highway system will be credited to the Highway Users Tax Fund (HUTF). If the violation occurs within the limits of a city or town, 50% goes to the HUTF and 50% is retained by the local jurisdiction. The nature of the offenses created by the bill imply that a driver would have to be stopped for some other reason; thus, the offenses created by this bill are expected to be charged in only a limited number of instances and the bill is expected to generate less than \$5,000 per year.

State Expenditures

The bill creates a new traffic offense and lays out possible penalties, including fines, community service, and license suspension points to be assessed against a minor's driving record. Under the bill, a person convicted of an offense will be assessed three points, unless the person completes his or her community service, in which case the penalty is two points. This type of differentiated penalty system would require a system for monitoring compliance, similar in some ways to probation. However, the Judicial Department may not be authorized to use existing probation or other systems for ensuring compliance with the types of low-level infractions specified in the bill. Similarly, the Department of Revenue has no existing means for ensuring compliance with court orders, unless the points assessment causes the need for a hearing. The cost for developing a system to monitor compliance and adjust the points assessed has not been estimated (see the State Appropriations section below).

Aside from developing a system to monitor compliance, the new infraction will require some computer programming modifications to the driver's license system. The Department of Revenue will be responsible for these modifications, and has indicated that the workload impact is minimal and the cost for these modifications can be absorbed within existing appropriations.

The bill may increase the number of driver's licenses suspended on points violations, which would add to the number of reinstatements and hearings conducted by the department.

Local Government Impact

The bill will increase HUTF revenue, a portion of which is allocated to counties and municipalities for highway purposes.

State Appropriations

Until the bill is amended to further clarify the process for adjusting points assessments upon a person's completion of community service, no estimate of the impact of the bill on state appropriations can be made.

Departments Contacted

Judicial

Public Safety

Revenue

Transportation

Omissions and Technical or Mechanical Defects

The bill assesses a different level of points depending on whether a person has completed community service obligations, however, the process for implementing this requirement is unknown.

Bill B

HOUSE SPONSORSHIP

Borodkin, Briggs, Larson, McFadyen, Merrifield, Pommer, Stafford and Williams

SENATE SPONSORSHIP

(Prime), and Isgar

A BILL FOR AN ACT

CONCERNING THE CREATION OF A COLORADO BREAST CANCER AWARENESS
SPECIAL LICENSE PLATE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Creates the breast cancer awareness special license plate for vehicles that do not exceed 16,000 pounds. Directs the department of revenue to work with interested parties to design the plate.

Authorizes issuance of the plate to persons who pay the appropriate fees plus a one-time fee of \$25. Credits the one-time fee to the highway users tax fund. Authorizes issuance of personalized breast cancer awareness special license plates.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 3 of title 42, Colorado Revised Statutes, is

amended BY THE ADDITION OF A NEW SECTION to read:

42-3-116.8. Special plates - breast cancer awareness. (1) THERE

IS HEREBY ESTABLISHED THE BREAST CANCER AWARENESS SPECIAL LICENSE PLATE. THE DEPARTMENT SHALL ISSUE BREAST CANCER SPECIAL LICENSE PLATES TO APPLICANTS FOR PASSENGER CARS, TRUCKS, OR MOTORCYCLES THAT DO NOT EXCEED SIXTEEN THOUSAND POUNDS EMPTY WEIGHT.

(2) THE DEPARTMENT SHALL WORK WITH INTERESTED PARTIES TO DESIGN THE BREAST CANCER AWARENESS SPECIAL LICENSE PLATE. THE DESIGN FOR THE SPECIAL LICENSE PLATE SHALL CONFORM WITH STANDARDS ESTABLISHED BY THE DEPARTMENT.

(3) (a) A PERSON MAY APPLY FOR A BREAST CANCER AWARENESS SPECIAL LICENSE PLATE IF THE PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION.

(b) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE PLATES ISSUED UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES AND FEES SPECIFIED FOR REGULAR MOTOR VEHICLE LICENSE PLATES; EXCEPT THAT THE DEPARTMENT SHALL COLLECT A ONE-TIME FEE OF TWENTY-FIVE DOLLARS FOR ISSUING OR REPLACING EACH SUCH SPECIAL

LICENSE PLATE. THE DEPARTMENT SHALL TRANSMIT THE ADDITIONAL ONE-TIME FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HIGHWAY USERS TAX FUND, CREATED IN SECTION 43-4-201, C.R.S.

(4) ANY RENEWAL OF A SPECIAL LICENSE PLATE ISSUED UNDER THIS SECTION SHALL BE HANDLED IN THE SAME MANNER AS OTHER LICENSE PLATES UNDER THE PROVISIONS OF SECTION 42-3-112 OR, FOR PERSONALIZED PLATES, UNDER THE PROVISIONS OF SECTION 42-3-114.

(5) AN APPLICANT MAY APPLY FOR PERSONALIZED BREAST CANCER AWARENESS SPECIAL PLATES. IF THE APPLICANT COMPLIES WITH THE REQUIREMENTS OF SECTION 42-3-114, THE DEPARTMENT MAY ISSUE SUCH PLATES UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-114 (7) FOR PERSONALIZED LICENSE PLATES. IF THE APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF BREAST CANCER AWARENESS SPECIAL LICENSE PLATES FOR THE VEHICLE UPON PAYING THE FEE IMPOSED BY SECTION 42-3-114 (7) AND UPON TURNING IN SUCH EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED LICENSE PLATES UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-114 (7) TO RENEW SUCH

PLATES. THE FEES IMPOSED BY THIS SUBSECTION (5) SHALL BE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR BREAST CANCER AWARENESS SPECIAL LICENSE PLATES.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill B

Colorado Legislative Council Staff
**STATE and LOCAL
FISCAL IMPACT**
No State General Fund Impact

Drafting Number: LLS 05-0087
Prime Sponsor(s): Rep. Borodkin

Date: October 28, 2004
Bill Status: Transportation Legislation Review
Committee
Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING THE CREATION OF A COLORADO BREAST CANCER AWARENESS
SPECIAL LICENSE PLATE.

Fiscal Impact Summary	FY 2005/2006	FY 2006/2007
State Revenues		
General Fund		
Cash Fund - HUTF	\$150,000	\$300,000
Cash Fund - License Plate Cash Fund	32,160	64,320
State Expenditures		
General Fund		
Cash Fund - License Plate Cash Fund	* \$33,981	64,320
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: TABOR Impact		
Effective Date: August 10, 2005, unless a referendum petition is filed.		
Appropriation Summary for FY 2005/2006:		
Department of Revenue - \$33,981 * - License Plate Cash Fund		
Local Government Impact: Increased HUTF distributions to counties and municipalities		

* Includes \$1,821 for computer programming which may also be provided through the Long Bill.

Summary of Legislation

The bill establishes a breast cancer awareness special license plate, when at least 3,000 people commit to purchase the plate.

State Revenues

The bill imposes an additional one-time fee of \$25 for the breast cancer awareness special license plate, which would be credited to the Highway Users Tax Fund (HUTF). Under current law, applicants must also pay a fee of \$5.08 to cover the direct costs of producing and issuing each set of plates and \$0.28 in fees for month and year tabs. These moneys are credited to the License Plate

Cash Fund, which is administered by the Department of Revenue. The bill requires that the department be assured of at least 3,000 orders before producing the plate. Based on the demand for other similar plates and preliminary commitments received as of September 2004, this fiscal note assumes that the department will need to produce 6,000 sets of the new plates in the first year and at least 12,000 sets per year thereafter to meet demand. Table 1 shows the estimated revenue impact.

Table 1. Estimated Revenue from Breast Cancer Awareness Special License Plate		
	FY 2005-06	FY 2006-07
Estimated Number of License Plate Sets to be Issued	6,000	12,000
Estimated Revenue from one-time \$25 Fee (HUTF)	\$150,000	\$300,000
Estimated Fees to Cover Cost of Plates and Tabs (License Plate CF)	\$32,160	\$64,320
Total Estimated Revenue	\$182,160	\$364,320

The bill allows an applicant with a personalized license plate to transfer the combination of letters or numbers to the new plate. This is not expected to significantly affect the revenue currently received for personalized plates, which is credited to the HUTF. Personalized license plates are subject to a one-time fee of \$35 when first issued, and an ongoing annual fee of \$25.

State Expenditures

The Department of Revenue will incur costs for producing plates and tabs and modifying the motor vehicle registration computer system to account for the new plate. These costs, shown in Table 2, would be paid from the License Plate Cash Fund, which consists of fees paid for special license plates.

Table 2. Estimated Expenditures for Breast Cancer Awareness Special License Plate		
	FY 2004-05	FY 2005-06
Estimated Number of License Plate Sets to be Produced	6,000	12,000
Cost for Plates & Tabs (\$5.36 per set)	\$32,160	\$64,320
Computer Programming (40 hours @ \$45.52 /hour)	* \$1,821	\$0
TOTAL COSTS	\$33,981	\$64,320

** Computer programming costs may also be funded through the Long Bill*

Computer programming costs are traditionally paid through a lump-sum appropriation in the Long Bill, which eliminates the need for a separate appropriation for this purpose in individual bills. If sufficient resources are provided in the FY 2005-06 Long Bill, no additional appropriation for the computer programming required by this bill would be necessary.

It should be noted that some up-front costs will be incurred before any revenue is generated from the issuance of the new special license plate created by this bill. These up-front costs would be paid from other fee revenue credited to the License Plate Cash Fund from the issuance of other special license plates.

Other State Impacts

Any additional fee revenue collected as a result of this bill will count towards the state's constitutional revenue limit and will increase the amount of excess of state revenue required to be refunded under TABOR. The new revenue would be credited to a cash fund, while most refunds are paid from General Funds.

Local Government Impact

The bill will increase HUTF revenue from fees, 35 percent of which is distributed to counties and municipalities for highway purposes. This should total \$52,500 in FY 2005-06 and \$105,000 in FY 2006-07.

State Appropriations

For FY 2005-06, the Department of Revenue will require an appropriation of \$33,981 from the License Plate Cash Fund, unless sufficient computer programming resources are provided in the Long Bill. If computer programming moneys are provided in the Long Bill, the department would need an additional appropriation of \$32,160 from the License Plate Cash Fund.

Departments Contacted

Corrections Revenue Transportation

Bill C

HOUSE SPONSORSHIP

Stafford, Borodkin, Larson, McFadyen, Merrifield, Pommer, Ragsdale, Welker, and Williams

SENATE SPONSORSHIP

Isgar, and May

A BILL FOR AN ACT

CONCERNING AN EXTENSION OF THE EXEMPTION FROM CIVIL LIABILITY TO THE EMPLOYER OF A COMMERCIAL VEHICLE OPERATOR WHO RENDERS GOOD FAITH EMERGENCY CARE OR EMERGENCY ASSISTANCE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Exempts an employer from civil liability for acts or omissions made by an employee while rendering emergency care or emergency assistance if the employee:

- Operates a commercial motor vehicle for the employer;
 - Renders the emergency care or emergency assistance in the course of his or her employment; and
 - Is personally exempted by current law from liability for civil damages for the acts or omissions.
-

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 13-21-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-21-108. Persons rendering emergency assistance exempt from civil liability. (5) AN EMPLOYER SHALL NOT BE LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS MADE BY AN EMPLOYEE WHILE RENDERING EMERGENCY CARE OR EMERGENCY ASSISTANCE IF THE EMPLOYEE:

(a) OPERATES A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402 (4), C.R.S., FOR THE EMPLOYER;

(b) RENDERS THE EMERGENCY CARE OR EMERGENCY ASSISTANCE IN THE COURSE OF HIS OR HER EMPLOYMENT FOR THE EMPLOYER; AND

(c) IS PERSONALLY EXEMPT FROM LIABILITY FOR CIVIL DAMAGES FOR THE ACTS OR OMISSIONS UNDER SUBSECTION (1) OF THIS SECTION.

SECTION 2. Applicability. This act shall apply to causes of action arising on or after the effective date of this act.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution

(August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill C

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 05-0089
Prime Sponsor(s): Rep. Stafford
Sen. Isgar

Date: November 1, 2004
Bill Status: Transportation Legislation
Review Committee
Fiscal Analyst: John Evermann (303-866-4976)

TITLE: CONCERNING AN EXTENSION OF THE EXEMPTION FROM CIVIL LIABILITY TO THE EMPLOYER OF A COMMERCIAL VEHICLE OPERATOR WHO RENDERS GOOD FAITH EMERGENCY CARE OR EMERGENCY ASSISTANCE.

Summary of Assessment

The bill exempts an employer from civil liability for acts made by an employee rendering emergency care or assistance under the following conditions:

- while operating a motor vehicle for the employer; and
- the care given is in the course of the employee's employment.

Eliminating this civil cause of action will not significantly impact state or local government operations as very few of these cases are filed. Therefore, this bill is assessed as having no fiscal impact. It is effective August 10, 2005 unless a referendum petition is filed.

Departments Contacted

Judicial Transportation

Bill D

HOUSE SPONSORSHIP

Isgar, May, and Takis

SENATE SPONSORSHIP

(None)

A BILL FOR AN ACT

CONCERNING AN INCREASE IN THE AMOUNT OF THE FINE IMPOSED AS
PUNISHMENT FOR ILLICIT DISPOSAL OF CONTAINERS OF HUMAN
WASTE UPON OR ALONG A STATE HIGHWAY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Increases the amount of the fine imposed as punishment for illicit disposal of containers of human waste upon or along a state highway from a minimum of \$15 to a maximum of \$100 to a flat fine of \$500. Defines terms.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 42-4-1406 (1) (a) and (5) (b), Colorado Revised Statutes, are amended, and the said 42-4-1406 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-1406. Foreign matter on highway prohibited. (1) (a) No

person shall throw or deposit upon OR ALONG any highway any glass bottle, glass, stones, nails, tacks, wire, cans, CONTAINER OF HUMAN WASTE, or other substance likely to injure any person, animal, or vehicle upon OR ALONG such highway.

(5) (b) (I) Any person who violates any provision of paragraph (b) of subsection (1) of this section commits a class 2 misdemeanor and shall be punished as provided in title 18, C.R.S.

(II) ANY PERSON WHO VIOLATES PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION BY THROWING OR DEPOSITING A CONTAINER OF HUMAN WASTE UPON OR ALONG ANY HIGHWAY SHALL BE PUNISHED BY A FINE OF FIVE HUNDRED DOLLARS.

(6) AS USED IN THIS SECTION:

(a) "CONTAINER" INCLUDES, BUT IS NOT LIMITED TO, A BOTTLE, A CAN, A BOX, OR A DIAPER.

(b) "HUMAN WASTE" MEANS URINE OR FECES PRODUCED BY A HUMAN.

SECTION 2. Applicability. This act shall apply to offenses committed on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill D

Colorado Legislative Council Staff
**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 05-0088
Prime Sponsor(s): Sen. Isgar

Date: November 1, 2004
Bill Status: Transportation Legislation
Review Committee
Fiscal Analyst: John Evermann (303-866-4976)

TITLE: CONCERNING AN INCREASE IN THE AMOUNT OF THE FINE IMPOSED AS PUNISHMENT FOR ILLICIT DISPOSAL OF CONTAINERS OF HUMAN WASTE UPON OR ALONG A STATE HIGHWAY.

Fiscal Impact Summary	FY 2005/2006	FY 2006/2007
State Revenues Cash Fund - Highway Users Tax Fund	less than \$5,000	less than \$5,000
State Expenditures General Fund		
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: TABOR		
Effective Date: Upon signature of the Governor.		
Appropriation Summary for FY 2005/2006: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

The bill increases the fine for improper disposal of containers of human waste along a state highway from a \$35 fine and \$5.20 surcharge to a flat fine of \$500. This violation is considered a class B traffic infraction.

State Revenues

The bill will increase state revenue due to the increased fine amount from \$35 and a \$5.20 surcharge to a flat fine of \$500. There will be no surcharge as a result of this violation. A violation occurring on the state highway system will result in all of the fine revenue going to the HUTF. If the violation occurs within the limits of a city or town, 50% of the fine revenue will go to the respective local jurisdiction general fund and 50% will go to the HUTF. The fiscal note assumes fewer than 10 tickets will be issued per year as a result of this legislation given the infrequency of catching

someone in the act of disposing human waste along a state highway. Therefore, the total amount of increased state revenue is expected to be less than \$5,000 per year.

State Expenditures

Department of Revenue. A new code will have to be added to both the penalty assessment system and the driver's license system as a result of the increased fine. Expenses related to this code addition will be absorbed within existing resources.

Judicial Branch. This new offense will minimally increase court filings. The fiscal note assumes only a small number of violations pursuant to this bill will be filed statewide in any given year. Any filing increase due to this bill can be absorbed within existing resources.

Other State Impact

Any additional revenue collected as a result of this bill will count towards the state's constitutional revenue limit and will increase future state refunds under TABOR.

Local Government Impact

As a result of the increased fine amount, local governments may see an increase in revenue depending on the number of violations that occur within their jurisdictions. The fiscal note assumes this fine revenue will be minimal.

State Appropriations

No new state appropriations are required to implement this bill in FY 2005-06.

Departments Contacted

Revenue Transportation Public Safety Judicial